

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

CRIMINAL GANG INTIMIDATION

RCW 9A.46.120

ELEMENTS

1. The suspect threatened the victim with physical pain or injury, or an impairment of physical Condition; AND
2. Did so because the victim refused to join or attempted to withdraw from a gang*; AND
3. Either the victim or the suspect attended or was registered in a public or alternative school.

*A "gang" is a group of 3 or more persons which has identifiable leadership, and which acts in concert mainly for criminal purposes.

SPECIFIC REQUIREMENTS

- [] 1. Obtain school records showing registration and/or attendance by victim and/or suspect, AND a witness who can testify to same.
- [] 2. Identify at least three members of the gang including defendant, the gang's leadership and the criminal purposes of the gang, either by admissions or by statements from other witnesses who know of and have observed the membership AND the criminal activity.
- [] 3. Identify the precise nature of the threat, whether direct or indirect, and how communicated.
- [] 4. Seize, if available, any means by which the threat was communicated, such as voice mail recording, e-mail, text message, written materials.
- [] 5. Determine and detail what evidence exists to prove/disprove the suspect's motive.
- [] 6. Determine and detail what evidence exists to disprove/prove it was the suspect who made the threat and to disprove/prove the suspect's alibi. Interview possible alibi witnesses.